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16805 U.S. PTO

PTO/SB/13/PCT (08-03)

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REQUEST FOR FILING A CONTINUATION OR DIVISION OF AN INTERNATIONAL APPLICATION

DOCKET NUMBER	ANTICIPATION CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
1/1346	CLASS	SUBCLASS		

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b) of pending prior international application Number PCT /EP 02/05642, filed on 05/23/2002 entitled Combination of a Dopamine D2-Receptor Agonist and Tiotropium or a Derivative Thereof for Treating Obstructive Airways and Other Inflammatory Diseases, which designated the United States.

Note: 37 CFR 1.53(d) cannot be used to file a continuation or divisional application of an international application which has not entered the national stage.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	34 - 20 =	14	x \$ --18=	\$ 252.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	2 - 3 =	0	x \$ ---86=	0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x \$ ---290=	0.00
				BASIC FEE (37 CFR 1.16(a))	770.00
				Total of above Calculations =	1,022.00
	Reduction by 50% for filing small entity (Note 37 CFR 1.27).				
	Total =				1,022.00

1. Enclosed are the specification, claims and drawing(s).

2. ☐ Applicant claims small entity status. See 37 CFR 1.27.

3. ☒ The Director is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment of Deposit Account No. 02-2955. A duplicate copy of this sheet is enclosed.

4. ☐ A check in the amount of \$ _____ is enclosed.

5. ☐ Payment by credit card. Form PTO-2038 is attached.

6. ☒ Application Data Sheet is enclosed. See 37 CFR 1.76.

7. ☒ If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:
☒ Continuation ☐ Divisional of prior PCT application No.: PCT/EP 02/05642, filed 05/23/2002

[Page 1 of 2]

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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8. ☐ A declaration under CFR 1.63 is enclosed.

9. ☐ Priority of foreign application number filed on
in is claimed under 35 U.S.C. 119(a)-(d).

☐ The certified copy is enclosed.

10. ☐ A preliminary amendment is enclosed.

11. ☒ Also enclosed:
Specification (168 Pages); Drawings (5 Sheets); Transmittal Letter for Information Disclosure Statement; Information
Disclosure Statement By Applicant (Form 1449A/B), with references
Address all future correspondence to: (May only be completed by applicant, or attorney or agent or record).

Customer No. 28501 - Dr. Robert P. Raymond, Boehringer Ingelheim Corporation

900 Ridgebury Road, P. O. Box 368, Ridgefield, CT 06877-0368

**WARNING: Information on this form may become public. Credit card information should not
b included on this form. Provide credit card information and authorization on PTO-2038.**

Express Mail Label No. EL 997153236 US

11/19/2003

Date

Michael P. Morris

Signature

203/798-5285

Telephone Number

Michael P. Morris

Typed or printed name

34,513

Registration Number, if applicable

☐ Inventor(s)/Applicant(s)

☐ Assignee of the entire interest. See 37 CFR 3.71. Statement
under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ Attorney or agent of record

☐ Filed under 37 CFR 1.34(a)
Registration number if acting under 37 CFR 1.34(a)

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 3 forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Yeadon, M.) Art Unit:
U.S. Appln. No. : To Be Accorded) Examiner:
Confirmation No. : To Be Accorded
U.S. Filing Date : 11/19/2003
Title of Invention : COMBINATION OF A DOPAMINE D2-RECEPTOR AGONIST
AND TIOXIPRIUM OR A DERIVATIVE THEREOF FOR TREATING
OBSTRUCTIVE AIRWAYS AND OTHER INFLAMMATORY
DISEASES
Attny. Docket No.: 1/1346

Mail Stop Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

November 19, 2003

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A and B) with copies of all references cited therein. This is being submitted pursuant to 37 C.F.R. §1.56 and before the mailing of a first Office Action on the merits, pursuant to 37 CFR § 1.97(b).

It should be noted that the references listed in the Information Disclosure Statement have been cited in the International Search Report (ISR) for PCT/EP 02/05642, which corresponds to the present US application. A copy of that ISR is enclosed herewith.

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☐ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated

in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,



Michael P. Morris
Attorney for Applicant(s)
Reg. No. 34,513

Patent Department
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Date: November 19, 2003